

**NEW HAMPSHIRE BOARD OF NURSING
MINUTES
August 15, 2013**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting		Meeting called to order at 8:10 a.m. with K. Baranowski, Vice-Chair, presiding. Board members present: C. Smith (CS), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), T. Collins (TC), H. Featherston (HF) R. Duhaime (RD) arrived at 8:20 a.m. Board staff present: S. Goodness (SG), K. Dickson (KD), A. Pavlidis (AP), L. Tetreault (LT) Board staff absent: D. Nies (DN)
1.1 Open Forum		
1.1.1 M. J. Byer, NHTI – Concord's Community College	M. J. Byer, Department Head, Nursing Program, NHTI, presented to Board changes in curricular design for LPN-RN advancement option.	M/TC, S/NF to approve proposed curricular design for LPN-RN advancement option at NHTI – Concord's Community College. Unanimous.
1.2 Addendum		
1.2.1 Additions		1.1 M. J. Byer, NHTI 7.2.4 C. Chapman, RN, (SA) 7.3.4 Motion for Reconsideration and Hearing Counsel's Objection to Motion for Reconsideration D. Deleary, LPN 7.3.5 Hearing Counsel's Objection to Motion to Dismiss J. Pawlowski, RN 7.3.6 Hearing Counsel's Objection to Motion to Dismiss K. Contant, RN 7.3.7 Hearing Counsel's Objection to Motion to Dismiss E. Bois, RN 9.2.12.1 A. Abram 10.3.2 Lakes Region Community College letter

TOPIC	DISCUSSION	ACTION
<p>1.2.2 Deletions</p> <p>1.3 Appearances</p>	None.	<p>10.3.3 Second quarter pass rates for NH LNA Competency Testing</p> <p>10.3.4 Second quarter NCLEX results</p> <p>11.3 Request for Board advice:</p> <p>11.3.1 LPN allergy testing</p> <p>11.3.2 LPN flu clinic</p> <p>1.1.1 M. J. Byer, NHTI 8:00 a.m.</p> <p>7.1.1 T. Leroux 8:30 a.m.</p> <p>7.1.2 A. Philbrick 9:00 a.m.</p> <p>7.1.3 K. Paquette 9:30 a.m.</p> <p>7.1.4 D. Cocchiaro 10:15 a.m.</p> <p>7.1.5 L. Corliss 10:30 a.m.</p> <p>7.1.6 J. Burns 11:30 a.m.</p> <p>7.1.7 C. Garand 1:00 p.m.</p>
<p>2.0 Approval of minutes</p> <p>2.1 July 18, 2013 Regular Board meeting</p> <p>2.2 July 26, 2013 Emergency meeting</p> <p>2.3 August 2, 2013 Emergency meeting</p>	<p>Reviewed and discussed.</p> <p>Reviewed and discussed.</p> <p>Reviewed and discussed.</p>	<p>M/HF, S/KK to approve minutes as written. Unanimous.</p> <p>M/NF, S/AF to approve minutes as written. Unanimous.</p> <p>M/NF, S/AF to approve minutes as written. Unanimous.</p>

TOPIC		DISCUSSION	ACTION
7.0	Adjudicative (Investigator/Prosecutor)		
7.2	Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions		
7.2.1	C. Joseph, LNA (SA) #041635-24	Previously reviewed.	M/NF, S/BF to accept Settlement Agreement as signed. Unanimous.
7.2.2	L. Wierbonics, RN (SA) #053156-21, #053156-23	Previously reviewed.	M/NF, S/BF to accept Settlement Agreement as signed. Unanimous.
7.2.3	M. Taylor, LNA (SA) #038071-24	Previously reviewed.	M/NF, S/BF to accept Settlement Agreement as signed. Unanimous.
7.4	Dismissals (Proposed)		
7.4.1	T. C., LPN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.2	S. L., APRN (BF & KK recused)	Previously reviewed.	BF & KK recused. M/NF, S/TC to accept recommendations as proposed. Unanimous.
7.4.3	E. M., APRN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.4	N. L., RN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.5	K. Y., LNA (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.

TOPIC		DISCUSSION	ACTION
7.4.6	M. D., RN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.7	D. C., RN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.8	T. C., RN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.9	D. F., RN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.10	R. C., RN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.11	D. T., RN (BF recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.4.12	K. P., LNA (TC recused)	Previously reviewed.	BF recused. M/KK, S/TC to accept recommendations as proposed. Unanimous.
7.5	Recommendations (Proposed)	Previously reviewed.	M/NF, S/AF to accept recommendations as proposed. Unanimous.
7.5.1	J. M.		
9.0	Licensure		
9.2	Licensure (non-appearance)		

TOPIC		DISCUSSION	ACTION
9.2.1	S. R., LPN exam	Removed from Consent Agenda for discussion.	M/NF, S/KB to deny LPN licensure in NH. Unanimous.
9.2.2	P. J., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.3	H. M., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.4	E. S., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.5	T. V., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.6	L. B., RN reinstatement	Previously reviewed.	M/NF, S/BL to permit RN reinstatement in NH. Unanimous.
9.2.7	A. H., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.8	B. S., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.9	S. N., LNA licensure	Removed from Consent Agenda for discussion.	M/NF, S/KB to have applicant appear before Board with further information. Unanimous.
9.2.10	A. M., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.11	K. C., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.12	A. A., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
9.2.13	R. W., LNA licensure	Previously reviewed.	M/NF, S/BL to permit LNA licensure in NH. Unanimous.
10.0	Education		
10.3	Educational Issues		

TOPIC	DISCUSSION	ACTION
	<p>Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC) C. Smith (CS) recused.</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board</p> <p>Reading of Notice of Hearing waived.</p> <p>Respondent present to offer testimony.</p> <p>Hearing concluded at 8:43 a.m.</p>	<p>Yea: NF, KK, JK, KB, TC, BF Nay: BL, AF Motion carries. (See Docket #13-0726-0378-NA)</p>
<p>11.0 Practice Inquiries and Practice Committee Reports</p> <p>11.3 Request for Board advice re:</p> <p>11.3.1 LPN allergy testing</p> <p>11.3.2 LPN flu clinic</p>	<p>Reviewed and discussed question of whether or not LPN can mix and perform allergy testing.</p> <p>Review and discussed questions of whether or not LPN can run flu clinic including administering Epi in emergent situation.</p>	<p>M/RD, S/TC that it is within LPN scope of practice to mix and perform allergy testing provided competencies are met. Unanimous.</p> <p>Board consensus that it is within LPN scope of practice to run a flu clinic and to administer Epi in an emergency. LPNs, however, work under delegation; there should be some type of standing order signed by a provider regarding the administration of the flu vaccine and a standing order that addresses emergencies where epinephrine is administered. When performing nursing interventions, an LPN is delegated to by RN, APRN, licensed physician or dentist.</p>
<p>7.0 Adjudicative (Investigator/Prosecutor)</p> <p>7.1 Hearings</p> <p>7.1.2 A. Philbrick, LNA #041297-24</p>	<p>Hearing held for A. Philbrick, LNA #0401297-24, Docket #13-0726-0379-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 9:03 a.m. with R. Duhaime Chair presiding.</p> <p>Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC) C. Smith (CS) recused.</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board</p> <p>Reading of Notice of Hearing waived. LO submitted to</p>	<p>CS recused.</p> <p>M/KB, S/NF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #6, amend #7, affirm #8 - #10, deny #11, and affirm #12; affirm Hearing Counsel's Proposed Rulings of Law #1; affirm Proposed Sanctions #4 - #7, denies #2 - #3 and amend Proposed Sanctions #1 to impose REPRIMAND. Respondent shall successfully complete course on professional boundaries and submit to Board certificate of successful completion of said course. Unanimous.</p>

TOPIC	DISCUSSION	ACTION
	<p>Board change in Witness List and two additional exhibits. Respondent present to offer testimony. Witnesses present to offer testimony: Brooke Mason, LNA, Regency Home Health Carolyn Labrie, LPN, Regency Home Health Hearing concluded at 10:10 a.m</p>	
<p>7.1.3 K. Paquette, RN #053980-21</p>	<p>Reviewed and discussed Motion to Continue hearing.</p>	<p>M/KB, S/JK to accept Motion to Continue. Unanimous.</p>
<p>7.1.4 D. Cocchiaro, RN #031413-21</p>	<p>Hearing held for D. Cocchiaro, RN #031413-21, Docket #13-0701-0374, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:15 a.m. with R. Duhaime Chair presiding. Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC), C. Smith (CS) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. Respondent present to offer testimony. Hearing concluded at 10:34 a.m.</p>	<p>M/NF, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #14; affirm Hearing Counsel's Proposed Rulings of Law#1; amend Proposed Sanctions to DISMISS case with Letter of Concern. Recommendations that Respondent successfully complete Board-approved medication administration course. Unanimous. (See Docket #13-0701-0374)</p>
<p>7.1.5 L. Corliss, LPN #015209-22</p>	<p>Hearing held for L. Corliss, LPN #015209-22, Docket #13-0118-0360, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:37 a.m. with R. Duhaime Chair presiding. Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC), C. Smith (CS) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. LO submitted to Board change in Witness List and two additional exhibits. Respondent present to offer testimony.</p>	<p>M/JK, S/BL to affirm Hearing Counsel's Proposed Findings of Facts #1 - #14 as amended; affirm Hearing Counsel's Proposed Rulings of Law#1, #2 and #4, deny #3; affirm Proposed Sanctions #2 - #7 and amend Proposed Sanctions #1 to SUSPEND LPN license for one year and assess monetary penalty of \$750 to deter future misconduct and to defray costs associated with investigation and prosecution of case. Unanimous. (See Docket #13-0118-0360)</p>

TOPIC	DISCUSSION	ACTION
<p>7.1.6 J. Burns, LPN #013536-22</p> <p>7.1.7 C. Garand Suspended RN #038566-21</p>	<p>Witnesses present to offer testimony: Carrie Lemay, Metro Treatment Center of Keene Hearing concluded at 11:09 a.m.</p> <p>Hearing held for J. Burns, LPN #013536-22, Docket #13-0701-0374, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 11:19 a.m. with R. Duhaime Chair presiding. Board members present: K. Baranowski (KB), K. Kidder (KK), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), B. Libby (BL), A. Finn-Waddell (AF), H. Featherston (HF), T. Collins (TC), C. Smith (CS) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board Reading of Notice of Hearing waived. LO submitted to Board change in Witness List and two additional exhibits. Respondent present to offer testimony. Witnesses present to offer testimony: Doreen Sheltra, RN, DNS, Maplewood Nursing Home Hearing concluded at 12:01 p.m.</p> <p>Reviewed and discussed Motion to Continue hearing.</p>	<p>M/BL, S/BF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #7, #9, #11 and #15; deny Hearing Counsel's Proposed Findings of Facts #8, #10, #12, #13, #14; deny Hearing Counsel's Proposed Rulings of Law#1 - #3; amend Proposed Sanctions to DISMISS case with Letter of Concern. Unanimous. (See Docket #13-0701-0374)</p> <p>M/KB, S/JK to accept Motion to Continue. Unanimous.</p>
<p>10.0 Education</p> <p>10.3 Educational Issues</p> <p>10.3.2 Lakes Region Community College Response to Letter of Concern</p> <p>10.3.3 Pass rates for LNA testing</p> <p>10.3.4 Second quarter NCLEX results</p> <p>10.3.5 River Valley Community College</p>	<p>Reviewed letter received from LRCC in response to Letter of Concern sent regarding plan to improve NCLEX pass rates.</p> <p>FYI.</p> <p>FYI.</p> <p>Reviewed and discussed letter received from RVCC informing Board that they have lost ACEN Accreditation for AD Nursing Program. Plan of action was outlined to address ACEN accreditation.</p> <p>M/JK, S/BL to conduct non-public session for purpose</p>	<p>Board to review plan submitted.</p> <p>Plan for site visit on September 17, 2013.</p>

TOPIC	DISCUSSION	ACTION
	<p>of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, CS, KK, BF, NF, JK, BL, AF, HF, TC Non-public session began at 12:40 p.m. and concluded at 1:30 p.m.</p>	
<p>7.0 Adjudicative (Investigator/Prosecutor) 7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions 7.2.4 C. Chapman, RN (SA) #018380-21</p> <p>7.3 Motion for Reconsideration/Rehearing/ Continuance/Dismissal/Pre-hearing Conference 7.3.4 D. Leary, LPN Motion for Reconsideration</p>	<p>Reviewed and discussed proposed Settlement Agreement.</p> <p>Reviewed and discussed Motion for Reconsideration and Hearing Counsel's Objection to Motion for Reconsideration.</p>	<p>JK recused. M/NF, S/KB to accept Settlement Agreement as proposed. Unanimous.</p> <p>M/KB, S/KK to deny Motion for Reconsideration. Unanimous.</p>
<p>17.0 Adjournment</p>	<p>Next regular meeting: September 19, 2013 8:00 a.m. NH Board of Nursing Education Conference Room 100 First Floor 21 South St Concord, NH 03301</p>	<p>Meeting adjourned at 2:50 p.m.</p> <p>Respectfully submitted,</p> <p>Denise Nies, MSN, RN, BC Executive Director</p>